

DECLARATION AND POWER OF ATTORNEY

As a below-named inventor, I hereby declare that:

5 My residence, post office address and citizenship  
are as stated below next to my name.

I believe I am the original, first and sole  
inventor (if only one name is listed below) or an  
original, first and joint inventor (if plural names are  
listed below) of the subject matter which is claimed  
10 and for which a patent is sought on the invention  
entitled "SURGICAL FASTENING SYSTEM AND METHOD FOR  
USING THE SAME", the specification of which is attached  
hereto.

15 I hereby state that I have reviewed and understand  
the contents of the above-identified specification,  
including the claims.

20 I acknowledge the duty to disclose information  
which is material to the examination of this  
application in accordance with Title 37, Code of  
Federal Regulations, Section 1.56(a).

25 I hereby appoint Pandiscio & Pandiscio, a firm  
composed of Nicholas A. Pandiscio, Registration No.  
17293, Mark J. Pandiscio, Registration No. 30883,  
Milton E. Gilbert, Registration No. 17119, David A.  
Tucker, Registration No. 27840, Samuel W. Apicelli,  
Registration No. 36,427, and Scott R. Foster,  
Registration No. 20570, or any of them, of 470 Totten  
Pond Road, Waltham, Massachusetts 02154, (Telephone No.  
617-290-0060), my attorneys with full power of  
30 substitution and revocation, to prosecute this  
application and to transact all business in the Patent  
Office connected therewith.

I hereby declare that all statements made herein  
of my own knowledge are true and that all statements

made on information and belief are believed to be true;  
and further that these statements were made with the  
knowledge that willful false statements and the like so  
made are punishable by fine or imprisonment, or both,  
under Section 1001 of Title 18 of the United States  
Code and that such willful false statements may  
jeopardize the validity of the application or any  
patent issued thereon.

Inventor's signature: ✓ R DLT

10 Inventor's full name: Rickey D. Hart

Date: ✓ 11/17/95

Residence: 11 Hillside Road, Plainville, MA 02762

Post office address: same

Citizenship: USA

15 Inventor's signature: ✓ J. T. Rice

Inventor's full name: John T. Rice

Date: ✓ 11/17/95

Residence: 31 Red Rail Farm, Lincoln, MA 01773

Post office address: P.O. Box 415, Lincoln, MA 01773

20 Citizenship: USA

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: Rickey D. Hart et al  
For: SURGICAL FASTENING SYSTEM AND METHOD  
Attorney's Docket No.: FOR USING THE SAME  
INNO-15

Assistant Commissioner For Patents  
Washington, D.C. 20231

VERIFIED STATEMENT CLAIMING SMALL BUSINESS ENTITY STATUS

The undersigned, Richard D. Randall, hereby declares that he is President of Innovative Devices, Inc., a Massachusetts corporation having a principal place of business at Hopkinton, Massachusetts, and is empowered to act on behalf of said corporation in this matter; that said corporation qualifies as a small business concern as defined in 13 C.F.R. 121.3-18 for purposes of paying reduced fees under Title 35, United States Code, Sections 41(a) and (b), in that the number of employees of said corporation, including those of its affiliates, does not exceed 500 persons; and that on information and belief, exclusive rights under contract have been conveyed to and remain in said corporation with regard to the invention described and claimed in the above-identified U. S. patent application.

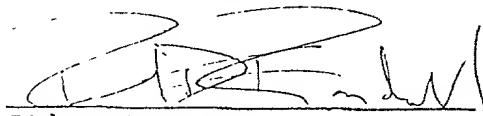
For purposes of this statement, the number of employees of said corporation is the average over the previous fiscal year of the persons employed on a full-time, part-time or temporary basis during each of the pay periods of the fiscal year, and concerns are affiliates of each other when either directly or indirectly, one concern controls or has the power to control the other, or a third party or parties controls or has the power to control both.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that

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willful false statements and the like so made are punishable by fine or imprisonment, or both, under Title 18, United States Code, Section 1001, and that such willful false statements may jeopardize the validity of the above-identified application, any patent issuing thereon, or any patent to which this verified statement is directed.

## INNOVATIVE DEVICES, INC.

By:   
Name: Richard D. Randall  
Title: President  
  
Date: November 14 1995

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: Rickey D. Hart et al.  
Serial No.: 09/340,584  
Filing Date: 06/28/99  
Title: SURGICAL FASTENING SYSTEM AND METHOD  
FOR USING THE SAME  
Group Art Unit: 3731  
Examiner: W. Lewis  
Attorney's Docket No.: INNO-15 CON 2

Assistant Commissioner For Patents  
Washington, D.C. 20231

Sir:

ASSOCIATE POWER OF ATTORNEY

Please recognize as Associate Attorney in the above-identified application, with full power to prosecute said application, to make alterations and amendments therein, and to transact all business in the Patent and Trademark Office connected therewith:

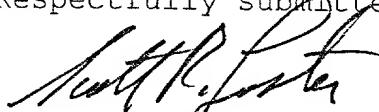
James A. Sheridan Registration No. 43,114

who may be contacted at:

Pandiscio & Pandiscio  
470 Totten Pond Road  
Waltham, MA 02451-1914  
(781) 290-0060 (voice)  
(781) 290-4840 (facsimile)

Thank you.

Respectfully submitted,



Scott R. Foster  
Registration No. 20,570  
Pandiscio & Pandiscio  
470 Totten Pond Road  
Waltham, MA 02451-1914  
Tel. (781) 290-0060

ASSIGNMENT

We, Rickey D. Hart and, John T. Rice,  
Massachusetts and, residing respectively at Plainville,  
Lincoln, Massachusetts,

having invented improvements in SURGICAL FASTENING SYSTEM AND METHOD FOR  
and having this day executed an application for United States patent describing  
the same and based thereon (and we hereby authorize our attorney(s), authorized  
to prosecute said application, to here insert the filing date and serial number  
of said application, when known, Serial No.                 , Filed                 ),  
for good and valuable consideration, receipt of which is hereby acknowledged  
from Innovative Devices, Inc. a Massachusetts

corporation having its principal place of business in  
Hopkinton, Massachusetts hereinafter called the Assignee  
(which term shall include its successors and assigns) do hereby sell, assign  
and transfer unto the Assignee our entire right, title, and interest, in and  
throughout the United States of America (including its territories and depend-  
encies) and all countries foreign thereto, in and to and under said application  
(which term shall include hereinafter where the context so admits all division-  
al, continuing, reissue and other patent applications based thereon) and the  
inventions (which term shall include each and every such invention, or any part  
thereof) therein described, and any and all patents and like rights of exclu-  
sion (including extensions thereof) of any country which may be granted on or  
for said inventions or on said application.

And for the same consideration we do also hereby sell, assign and transfer unto  
the Assignee all our rights under the International Convention for the Protec-  
tion of Industrial Property and all other treaties of like purpose in respect  
of said inventions and said application and we do hereby authorize the Assignee  
to apply in our names or its own name for patents and like rights of exclusion  
on or for said inventions in all countries, claiming (if the Assignee so de-  
sires) the priority of the filing date of said application under the provisions  
of said Convention or any such other treaty;

And for the same consideration we do hereby jointly and severally agree for  
ourselves and for our respective heirs, executors and administrators, promptly  
upon request of the Assignee, to execute and deliver without further compensa-  
tion any power of attorney, assignment, original, divisional, continuing, re-  
issue or other application or applications for patent or patents or like  
rights of exclusion of any country, or other lawful documents and any further  
assurances that may be deemed necessary or desirable by the Assignee fully to  
secure to it said right, title, and interest as aforesaid in and to said in-  
ventions, application, and said several patents and like rights of exclusion,  
or any of them, all, however, at the expense of the Assignee;

And we do hereby authorize and request the Commissioner of Patents of the  
United States of America and the corresponding Officer of each country foreign  
thereto to issue to the Assignee any and all patents and like rights of ex-  
clusion which may be granted in any country upon said application or on or for  
said inventions;

\* USING THE SAME

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- 1 -

And we do hereby jointly and severally covenant for ourselves and for our respective legal representatives and agree with the Assignee that we have granted no right or license to make, use or sell said inventions to anyone except the Assignee, that prior to the execution of this deed our title and interest in and to said inventions has not been otherwise encumbered by us, and that we have not executed and will not execute any instrument in conflict herewith.

IN WITNESS WHEREOF, we hereunto set our hands and seals on the day and year hereinafter noted.

R Dilt  
\_\_\_\_\_  
 Rickey D. Hart.  
\_\_\_\_\_  
 John T. Rice  
\_\_\_\_\_

State of Massachusetts)  
County of Middlesex) ss.

Before me this 17th day of November,  
1995, personally appeared Rickey D. Hart, who is to me personally known, and acknowledged the foregoing instrument to be his free act and deed.

SEAL

Mary Landini  
NOTARY PUBLIC

My commission expires March 1, 1996.

State of Massachusetts)  
County of Middlesex) ss.

Before me this 17th day of November,  
1995, personally appeared John T. Rice, who is to me personally known, and acknowledged the foregoing instrument to be his free act and deed.

SEAL

Mary Landini  
NOTARY PUBLIC

My commission expires March 1, 1996.

State of \_\_\_\_\_) ss.  
County of \_\_\_\_\_)

Before me this \_\_\_\_\_ day of \_\_\_\_\_,  
19\_\_\_\_\_, personally appeared \_\_\_\_\_, who is to me personally known, and acknowledged the foregoing instrument to be his free act and deed.

SEAL

NOTARY PUBLIC

- 2 -

DOCKET  
NO.

INNO-15